

DRAFT

Resolve, To Implement Recommendations of the Government Oversight Committee to Strengthen the Ethics Framework for Executive Branch Employees

Sec.1 Consolidation of state ethics standards. Resolved: That the Department of Administrative and Financial Services, referred to in this resolve as “the department,” shall develop a consolidated code of ethics and conduct for state employees, along with legislation required to implement the code. As used in this resolve, “state employee” means any regular classified or unclassified officer or employee of the executive branch. In developing the consolidated code, the department shall incorporate, as appropriate:

1. Recommendations contained in the “Report on Ethics Laws for Executive Branch Employees” prepared by the Commission on Governmental Ethics and Election Practices and published in December 2009;
2. Standards of ethics and conduct that exist in statute, executive order, the state administrative and accounting manual and state agency policies, including information technology use and personnel policies;
3. Standards to address ethical situations not addressed in the existing standards, including but not limited to: gifts; personal and business relationships affecting impartiality; post-state employment; use of government property; and conflicting outside employment and activities;
4. Standards and guidance regarding employee ethics that exist for the federal government and other states; and
5. Input from the Commission on Governmental Ethics and Election Practices and other relevant organizations; and be it further:

Sec. 2. Ethics guidance and reporting avenues. Resolved: That, the department shall establish and implement clear avenues and procedures for state employees to seek guidance regarding standards of ethics and conduct and to report potential violations of those standards. The procedures must include provisions for confidential reporting. In carrying out the requirements of this section, the department may consult the resources described in section 1, subsections 1, 4 and 5; and be it further:

Sec. 3. Ethics training and communications. Resolved: That the department shall develop and implement training and communications initiatives to increase the awareness and accountability of state employees regarding the standards of ethics and conduct. The plan must provide for clear and regular communications to employees; accessible formal and informal guidance documents; including plain language explanations; and ongoing training opportunities for employees. The department shall consider incorporating in the plan a mechanism for periodic confirmation of awareness of the standards by individual employees. The plan shall be informed by the recommendations referenced in Section 1, subsection 1. In developing the plan, the department may also consider the resources described in Section 1, subsections 4 and 5; and be it further:

Sec. 4. Report. Resolved: That the department shall submit an interim report to the Government Oversight Committee no later than September 1, 2015, describing the status of the work undertaken to that date pursuant to this resolve. The report must include, but is not limited to, a timeline that establishes specific dates for completion of work required by the resolve. The department shall submit a final report documenting its work pursuant to this resolve, together with implementing legislation, to the Government Oversight Committee and the Joint Standing Committee having jurisdiction over State and Local Government matters not

later than December 1, 2015. The Government Oversight Committee is authorized to submit legislation related to the report to the Second Regular Session of the 127th Legislature.

Summary

This Resolve implements recommendations of the Government Oversight Committee stemming from two reports of the Office of Program Evaluation and Government Accountability, those reports being the Public Utilities Commission and Healthy Maine Partnerships FY13 Contracts and Funding. The Resolve directs the Commissioner of the Department of Administrative and Financial Services, or designee(s), to take certain steps to strengthen the ethical framework and standards for executive branch employees. The required actions are based on recommendations contained in a December 2009 report to the Legislature from Maine's Commission on Governmental Ethics and Election Practices titled Report on Ethics Laws for Executive Branch Employees. The Government Oversight Committee has also incorporated actions to address concerns identified during the Committee's consideration of, and follow up on, OPEGA's reports.